

BOARD OF SELECTMEN

Minutes of the Meeting of 25 April 2007 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Brian Chadwick, Michael Kopko, Allen Reinhard, Patricia Roggeveen and Whiting Willauer. Chairman Willauer called the meeting to order at 6:15 PM following a meeting of the County Commission.

Announcements.

Town Administrator C. Elizabeth Gibson reviewed committee openings and the changes in the application deadline to noon on May 14, 2007 and the public hearing to meet the applicants to 4 PM on the same date as per the Board's vote to amend an earlier decision to hold the public hearing at a regularly scheduled meeting on May 16, 2007.

Nantucket Housing Office Executive Director Aaron Marcavitch announced "Affordable Housing Solutions Week" (April 29 – May 5, 2007). Board discussion followed on possibilities to advance the cause and Chairman Willauer read the proclamation. Mr. Kopko moved to approve the proclamation. Mr. Reinhard seconded. So voted unanimously. Some discussion followed regarding a housing needs survey.

Ms. Gibson noted the Department of Public Works' request for a proclamation for "Arbor Day" (April 27, 2007). DPW Director Jeff Willett noted distribution of free seedlings on April 27, 2007 at the landfill. Chairman Willauer read the proclamation. Mr. Kopko moved to approve the proclamation. Mr. Reinhard seconded. So voted unanimously. Mr. Kopko spoke in support of establishing a new tree fund.

Public Comment. Jeff Schneider shared concerns about the Board's vote last week regarding discretionary hours of sale of alcohol at restaurants.

Approval of Payroll Warrant for Week Ending 22 April 2007. The Board approved the payroll warrant by unanimous consent.

Approval of Pending Contracts for Week Ending 25 April 2007. The Board approved the pending contracts by unanimous consent.

Public Hearings.

1. Public Hearing to Consider Restrictions on the 2007 Entertainment License for The Muse, Michael O'Reilly, Manager. Chairman Willauer opened the public hearing. Attorney James Merberg, representing The Muse, spoke on behalf of his client. He reviewed submitted materials in response to the Board's direction regarding sound mitigation and lighting, elaborating on remedies employed. He noted additional concerns (cab parking, security at closing, outdoor deck) voiced during the required meeting with neighbors and discussed ways these issues have been addressed. Mr. Merberg emphasized the commitment of the establishment to operating in a considerate manner and asked for a re-instatement of the entertainment license. Entertainment Manager Brian Glowacki and Sound Consultant Jamie Howarth provided additional information and spoke in support of The Muse.

Attorney Rhoda Weinman, representing abutters, spoke in support of restrictions on the entertainment license and the complaint history. She reviewed items to be addressed as per the

Board's vote on February 21, 2007 and requested an end to entertainment at 11 PM unless all consultant recommendations have been implemented. She provided a written summary of her requests for restrictions. Attorney Steve Cohen, representing other neighbors, shared his suggestions toward maintaining compliance.

Curtis Barnes requested a continuation of the 11 PM limitation on the license. Abutter John DaSilva commended The Muse for its efforts and noted his concern about the efforts toward mitigation.

Mr. Merberg provided a rebuttal, including that a further review is acceptable and a reminder to the Board of the importance of remaining open for entertainment after 11 PM. Skip Cabot spoke in support of The Muse and its efforts toward compliance. Muse sound engineer Tom Stoddard spoke further on the limitation of sound. Abutter Steven Welch shared noise complaints and requested thresholds. Mr. Cohen commented further. Muse accountant Betsy Larrabee advised that money is being and will be lost without entertainment.

Chairman Willauer closed the public hearing. Mr. Kopko disclosed his work as a professional musician and spoke to the process to mitigate the problems, praising the presentation of the consultants and The Muse staff. Chairman Willauer inquired about the effects of open doors and windows; Mr. Howarth addressed. Mr. Chadwick indicated that he has filed a disclosure of the appearance of a conflict of interest and noted his support of the re-instatement of the entertainment license. Ms. Roggeveen spoke in support of another review soon. Mr. Reinhard concurred. Discussion followed on the closing time and the timing of the outdoor staff person on duty until the premises is cleared. Mr. Chadwick suggested that the noise engineer monitor the noise at night; Mr. Howarth indicated that this has occurred. Ms. Roggeveen noted that questions would be specific at the next review and Board discussion followed on these items, including satisfying the concerns of the complainants, porch, noise from windows, lighting and control of clientele. Mr. Kopko moved to reinstate the entertainment license to its previous hours and to revisit the matter at a public hearing on June 20, 2007. Mr. Reinhard seconded. So voted unanimously.

Town Administrator's Report

Ms. Gibson announced the designation of Projects Administrator Diane O'Neil as certified Massachusetts Public Procurement Official and recognized her efforts at acquiring same. Some discussion followed regarding the diligence of other Town Administration staff members.

Selectmen's Report/Comment. None.

At 8:19 PM, Chairman Willauer polled the Board and Mr. Chadwick, Mr. Kopko, Mr. Reinhard, Ms. Roggeveen and Chairman Willauer voted unanimously to adjourn to executive session, not to return to open session, for the purpose of discussing a real estate matter.

Approved the 9th day of May 2007.